

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE OLIVO,

Plaintiff,

-against-

THE CITY OF NEW YORK;
THE NEW YORK POST;
DETECTIVE JOSE CRIOLLO, Shield #4076;
DETECTIVE ALBERT VELEZ, Shield #4287,

Defendants.
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ORDER OF DISMISSAL

12 Civ. 1029 (LAP)

LORETTA A. PRESKA, Chief United States District Judge:

By Order dated March 15, 2012, Plaintiff was directed to pay the \$350.00 filing fee or submit a completed Prisoner Authorization with this Court within thirty (30) days. On April 2, 2012 and April 3, 2012, the Court received correspondence from Sing Sing Correction Facility where Plaintiff last informed the Court he resided. The correspondence informed the Court that Plaintiff had moved from Sing Sing and was not expected to return soon. An April 10, 2012 search of the New York State Department of Corrections and Community Supervision (“DOCCS”) website showed that Plaintiff resided at Sing Sing was “out to court.” A May 23, 2012 search of the DOCCS website indicated that Plaintiff has returned to Sing Sing, and the Court mailed him another copy of the Order that day. Plaintiff has not complied with the Court’s Order.

Accordingly, the Complaint, filed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice, pursuant to Fed. R. Civ. P. 41(b), for failure to comply with the Court’s Order. The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED:



LORETTA A. PRESKA
Chief United States District Judge

Dated: July 12, 2012
New York, New York